

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

June 17, 2008

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 8 of House No. 4851, "An Act Making Appropriations for the Fiscal Year 2008 To Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects."

I am pleased to sign the remainder of this supplemental appropriation bill, which will fund existing obligations including, among other items:

- \$36 million for MassHealth caseload, payment rate and utilization increases that cannot be absorbed through savings in other areas within the MassHealth program;
- \$29.4 million for the Group Insurance Commission to address increased costs for state employee health insurance created by unanticipated utilization;
- \$14.9 million for County Corrections to address deficiencies in the offices of 6 County Sheriffs;
- \$2.4 million for the Department of State Police to address a cruiser fuel deficiency and overtime pay obligations.

Additionally, although each of the items included in this supplemental budget are time sensitive, payments related to item 4408-1000, Emergency Assistance to Elderly, Disabled, and Children (EAEDC), are scheduled to be made to program clients as soon as Thursday which, without the funding included in this bill, could not be made.

However, I am returning Section 8 for amendment. This section incorrectly creates an appropriation item with the same item number as an

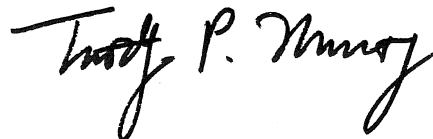
existing item of the fiscal year 2008 general appropriation act, but with different purposes and a different appropriation amount, thereby creating uncertainty as to the effect on the original general appropriation. I therefore recommend that Section 8 be amended to read as follows:

"SECTION 8. Section 2 of chapter 61 of the acts of 2007 is hereby amended by inserting after item 0330-0317 the following item:-

- 0330-0338 For the costs in fiscal year 2008 of salary increases, benefit adjustments and other employee economic benefits authorized for employees of the supreme judicial court, the appeals court and the trial court that are covered by the collective bargaining agreements between the trial court of the commonwealth and the Office and Professional Employees International Union Local 6 (AFL-CIO), professional and clerical units and personnel of the trial court employed in confidential positions who would otherwise be covered by said agreements in effect for fiscal year 2008 and to meet the costs of providing equal salary adjustments and other economic benefits to employees who are not otherwise classified in any such collective bargaining unit of the trial court, the mental health legal advisors committee, the board of bar examiners and the commission on judicial conduct\$8,187,426

SECTION 8A. Section 2 of chapter 120 of the acts of 2008 is hereby amended by striking out item 0330-0337."

Respectfully yours,

A handwritten signature in black ink, reading "Todd P. Murray". The signature is written in a cursive, flowing style with a large initial "T".

EMERGENCY PREAMBLE

(Adopted, House June 16, 2008 (3 to 0)
(Adopted, Senate June 16, 2008 (3-0)

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2008 TO PROVIDE FOR SUPPLEMENTING
CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

House of Representatives, June 16 , 2008.

Rightly and Truly Prepared for Final Passage.

Contains an *Emergency Preamble*.

Steven T. James, House Clerk.

In Senate, June 16 , 2008.

Rightly and Truly Prepared for Final Passage.

Contains an *Emergency Preamble*.

William F. Welch, Senate Clerk.

This Act originated in the House Steven T. James, Clerk.

Chapter

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Eight

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2008 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2008 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2008, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY

Committee for Public Counsel Services

0321-1510	\$10,425,019
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OFFICE OF THE STATE COMPTROLLER

Office of the State Comptroller

1599-3384	\$2,000,000
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Group Insurance Commission

1108-5200	\$29,398,522
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1108-5500	\$100,000
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EXECUTIVE OFFICE OF EDUCATION

Department of Early Education and Care

3000-4050	\$1,158,987
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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Veterans' Services

1410-0400 \$3,182,626

Division of Medical Assistance

4000-0500 \$36,000,000

Department of Transitional Assistance

4403-2000 \$1,100,000

4405-2000 \$693,097

4408-1000 \$2,365,244

Department of Public Health

4513-1020 \$2,000,000

Department of Social Services

4800-0038 \$3,699,548

4800-0041 \$3,226,432

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary of Public Safety and Security

8000-0040 \$2,516,375

8910-0000 \$14,876,000

Department of State Police

8100-0000 \$1,400,000

8100-0007 \$981,934

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1599-4279 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employees Organization, UAW, Local 2322 at the Amherst campus, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in

confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided, further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$606,504

SECTION 2C.I. For the purpose of making available in fiscal year 2009 balances of appropriations which otherwise would revert on June 30, 2008, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 61 of the acts of 2007; provided, however, that for items which do not appear in said section 2 of said chapter 61, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the funds designated for the corresponding item in said section 2 of said chapter 61; provided, however, that for items which do not appear in said section 2 of said chapter 61, the amounts in this section are re-appropriated from the funds designated for the corresponding item in said section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for said purposes.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Bureau of State Office Buildings

1102-3307 \$25,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Veterans' Services

1410-0400 \$787,875

EXECUTIVE OFFICE OF EDUCATION

Department of Elementary and Secondary Education

7027-0016 \$37,738

SECTION 3. Item 0699-0015 of section 2 of chapter 61 of the acts of 2007 is hereby amended by striking out the words "item 0699-0015 to item 0699-9100 or from item 0699-9100 to item 0699-0015" and inserting in the place thereof the following words:- items 0699-0015, 0699-2004, or 0699-9100 to any one or more of such item.

SECTION 4. Item 4000-0320 of said section 2 of said chapter 61 is hereby amended by inserting after the words "rendered in the current fiscal year" the following words:- ; provided, further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.

SECTION 5. Item 4000-1420 of said section 2 of said chapter 61 is hereby amended by striking out the figure "\$233,916,047" and inserting in place thereof the following figure:- \$222,916,047.

SECTION 6. Item 7061-9404 of said section 2 of said chapter 61 is hereby amended by inserting after the words "Lynn At-Risk Youth" the following words:- ; provided further, that not less than \$200,000 shall be expended for a pilot program operated by a nonprofit organization and staffed by certified teachers and college aged tutors, to provide after school and summer educational services to students in low-income urban communities that require additional assistance to become academically proficient; provided further, that the pilot shall provide student instruction for 2.5 hours in core curricula, including math and literacy, using a multi-cultural approach and shall provide opportunities to work with tutors on homework, community service, team self-esteem and relationship building; provided, further, that not less than \$200,000 shall be expended from this item to study and begin implementation of a pilot wireless student learning initiative at Harbor and O'Hearn schools in the city of Boston and the commonwealth corporation shall file a report detailing findings of the study to the house and senate committees on ways and means by March 15, 2009.

SECTION 6A. Said item 7061-9404 of said section 2 of said chapter 61 is hereby further amended by striking out the figure "\$13,215,863" and inserting in place thereof the following figure:- \$13,615,863.

SECTION 7. The second sentence of section 55 of said chapter 61, as amended by section 57 of chapter 140 of the acts of 2007, is hereby further amended by striking out the words "; provided further, that the comptroller, in consultation with the office and the executive office of health and human services, shall transfer funds from the fund to the executive office for the purpose of the Title XIX service rate payments".

SECTION 8. Section 2 of chapter 120 of the acts of 2008 is hereby amended by striking out item 0330-0337 and inserting in place thereof the following item:-

0330-3337 For the costs in fiscal year 2008 of salary increases, benefit adjustments and other employee economic benefits authorized for employees of the supreme judicial court, the appeals court and the trial court that are covered by the collective bargaining agreements between the trial court of the commonwealth and the Office and Professional Employees International Union Local 6 (AFL-CIO), professional and clerical units and personnel of the trial court employed in confidential positions who would otherwise be covered by said agreement in effect for fiscal year 2008 and to meet the costs of providing equal salary adjustments and other economic benefits to employees who are not otherwise classified in any such collective bargaining unit of the trial court, the mental health legal advisors committee, the board of bar examiners and the commission on judicial conduct\$8,187,426

SECTION 9. Notwithstanding any general or special law or rule or regulation to the contrary, any unexpended balances, not to exceed a total of \$15,000,000, in items 4000-0600 and 4000-0700 of section 2 of chapter 61 of the acts of 2007, shall not revert to the General Fund until September 1, 2008, and may be used by the executive office of health and human services to pay for services provided during fiscal year 2008.

SECTION 10. Notwithstanding any general or special law to the contrary, the funds made available to the Group Insurance Commission through this act after June 30, 2008 shall be made available for expenses of the Commission through June 30, 2008

SECTION 11. Notwithstanding any general or special law to the contrary, the secretary of health and human services may authorize transfers from items 4000-0430, 4000-0600, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400 and 4000-1405 of section 2 of chapter 61 of the acts of 2007 to items 4000-0500 or 4000-1420 of said section 2 for the purpose of reducing any deficiency in items 4000-0500 or 4000-1420, but any such transfer shall take place not later than August 31, 2008.

SECTION 12. Notwithstanding any general or special law to the contrary, in order to minimize investment fees and maximize returns through continuity of investment management of the State Retiree Benefits Trust Fund, established in

subsection (a) of section 24 of chapter 32A of the General Laws while the general court considers the recommendations of the commission established by section 82 of said chapter 61, investments of the trust shall be held and managed by the Health Care Security Trust board of trustees, established in section 4 of chapter 29D of the General Laws, until legislation is enacted confirming management of the State Retiree Benefits Trust Fund. The executive director of the group insurance commission, who is a member of the trustees of the State Retiree Benefits Trust Fund, shall continue in that capacity in an advisory role to the Health Care Security Trust board of trustees as to cash flow needs of the State Retiree Benefits Trust Fund and shall pay benefits as needed from that fund. The comptroller shall work with the executive director to implement this section.

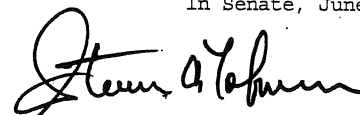
House of Representatives, June 16, 2008.

Preamble adopted,

 , Speaker.

In Senate, June 16, 2008.

Preamble adopted,

 , President.

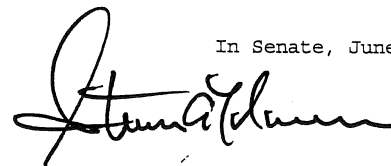
House of Representatives, June 16, 2008.

Bill passed to be enacted,

 , Speaker.

In Senate, June , 2008.

Bill passed to be enacted,

 , President.

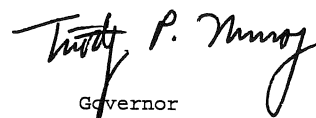
I return for amendment, pursuant to the authority vested in me by Article 56, as amended by Article 90, Section 3 of the Amendments to the Constitution, Section 8.

The text of my recommended amendment is set forth in a separate letter of this date to the Senate and House of Representatives.

The remainder of this bill I approve.

Approved, June 17, 2008

at 11:00 o'clock and 50 minutes, A.M.


Governor